

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-4 are presently pending in this case. Claim 1 is amended and new Claim 4 is added by the present amendment. As amended Claim 1 and new Claim 4 are supported by the original disclosure,<sup>1</sup> no new matter is added.

In the outstanding Official Action, Claims 1-3 were rejected under 35 U.S.C. §102(b) as anticipated by Wittkopp (U.S. Patent No. 5,182,976).

The outstanding rejection is respectfully traversed.

Claim 1 recites in part:

a plurality of virtual regions so formed as to be surrounded by two radius lines extending from a rotation center of a disc-shaped base metal and two concentric circles on the base metal disposed around the rotation center is disposed continuously in a circumferential direction on the disk-shaped base metal while a single slit is provided in each one of virtual regions so as to make contact with all of the two radius lines and two concentric circles,

wherein a central angle formed by the two radius lines is equal to or less than 90°;

the virtual regions are 4 to 24 in number;

the concentric circle located in a center of an interval of the two concentric circles forming the virtual region is in a range of 0.6 r to 0.8 r with respect to the rotation center of the base metal when a maximum gullet bottom radius of the base metal is r;

an overlapping of the virtual regions continuously adjoining each other is in a range of 0° to 12° in terms of the central angle around the rotation center;

a minimum neighborhood distance between the adjoining slits is equal to or more than 0.05 r; and

*a ratio of a length of an arc of the central concentric circle extending across all of the virtual region with respect to the interval of the two concentric circles in the virtual region is 3 to 6.*

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<sup>1</sup>See, e.g., the specification at page 9, line 20 to page 10, line 4 and Figure 7.

Wittkopp describes a circular saw blade including a series of essentially radial beam segments.<sup>2</sup> The outstanding Office Action simply asserted that the phrase “a length of an arc of the central concentric circle in the virtual region” could be interpreted to be a length of any portion of an arc in the virtual region.<sup>3</sup> However, amended Claim 1 recites that a ratio of a length of an arc of the central concentric circle *extending across all of the virtual region* with respect to the interval of the two concentric circles in the virtual region is 3 to 6. Thus, the interpretation suggested by the outstanding Office Action cannot be made with respect to amended Claim 1.

Further, as discussed in MPEP §2125, proportions of features in a drawing are not evidence of actual proportions when the drawings are not to scale. When a reference does not disclose that the drawings are to scale and is silent as to dimensions, arguments based on measurement of the drawing features are of little value. See *Hockerson-Halberstadt, Inc. v. Avia Group Int'l*, 222 F.3d 951, 956, 55 USPQ2d 1487, 1491 (Fed. Cir. 2000). Accordingly, as Wittkopp does not describe that the figures are to scale, dimensions of the figures of Wittkopp cannot be used to reject the pending claims.

Moreover, even assuming *arguendo* that the figures of Wittkopp are to scale, the figures appear to show that a ratio of a length of an arc of the central concentric circle extending across all of the virtual region with respect to the interval of the two concentric circles in the virtual region is much greater than 3 to 6. In fact, as noted above, column 2, lines 31-33 of Wittkopp states that the disclosed saw blade includes a series of *essentially radial* beam segments.

Therefore, it is respectfully submitted that Wittkopp does not teach “a plurality of virtual regions” as defined in amended Claim 1. Consequently, amended Claim 1 (and

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<sup>2</sup>See Wittkopp, column 2, lines 31-33.

<sup>3</sup>See the outstanding Office Action at page 5, lines 1-11.

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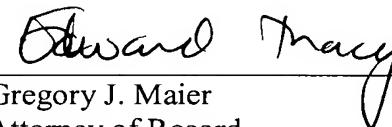
Claims 2 and 3 dependent therefrom) is not anticipated by Wittkopp and is patentable thereover.

New Claim 4 is supported at least by the specification at page 9, line 20 to page 10, line 4 and Figure 7. New Claim 4 is dependent on Claim 1, and thus is believed to be patentable for at least the reasons described above with respect to Claim 1. In addition, Claim 4 recites subject matter that further patentably defines over Wittkopp. In this regard, Wittkopp does not describe the subject matter of new Claim 4, and the drawings of Wittkopp cannot be relied upon for this subject matter, as noted above. Consequently, Claim 4 is also patentable over Wittkopp.

Accordingly, the pending claims are believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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